



General Assembly

February Session, 2010

Raised Bill No. 127

LCO No. 595

00595_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING RECYCLING AND SOLID WASTE
MANAGEMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-207 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 For the purposes of this chapter, [and] chapter 103b and section 8 of
4 this act:

5 (1) "Commissioner" means the Commissioner of Environmental
6 Protection or his authorized agent;

7 (2) "Department" means the Department of Environmental
8 Protection;

9 (3) "Solid waste" means unwanted or discarded solid, liquid,
10 semisolid or contained gaseous material, including, but not limited to,
11 demolition debris, material burned or otherwise processed at a
12 resources recovery facility or incinerator, material processed at a
13 recycling facility and sludges or other residue from a water pollution
14 abatement facility, water supply treatment plant or air pollution

15 control facility;

16 (4) "Solid waste facility" means any solid waste disposal area,
17 volume reduction plant, transfer station, wood-burning facility or
18 biomedical waste treatment facility;

19 (5) "Volume reduction plant" means any location or structure,
20 whether located on land or water, where more than two thousand
21 pounds per hour of solid waste generated elsewhere may be reduced
22 in volume, including but not limited to, resources recovery facilities
23 and other incinerators, recycling facilities, pulverizers, compactors,
24 shredders, balers and composting facilities;

25 (6) "Solid waste disposal area" means any location, including a
26 landfill or other land disposal site, used for the disposal of more than
27 ten cubic yards of solid waste. For purposes of this subdivision,
28 "disposal" means the placement of material at a location with the intent
29 to leave it at such location indefinitely, or to fail to remove material
30 from a location within forty-five days, but does not mean the
31 placement of material required to be recycled under section 22a-241b,
32 as amended by this act, in a location on the premises of a recycling
33 facility, provided such facility is in compliance with all requirements
34 of state or federal law and any permits required thereunder;

35 (7) "Recycling" means the processing of solid waste to reclaim
36 material therefrom;

37 (8) "Recycling facility" or "recycling center" means land and
38 appurtenances thereon and structures where recycling is conducted,
39 including but not limited to, an intermediate processing center as
40 defined in section 22a-260, as amended by this act;

41 (9) "Resources recovery facility" means a facility utilizing processes
42 to reclaim energy from municipal solid waste;

43 (10) "Transfer station" means any location or structure, whether
44 located on land or water, where more than ten cubic yards of solid

45 waste, generated elsewhere, may be stored for transfer or transferred
46 from transportation units and placed in other transportation units for
47 movement to another location, whether or not such waste is stored at
48 the location prior to transfer;

49 (11) "Municipality" means any town, city or borough within the
50 state;

51 (12) "Municipal authority" means the local governing body having
52 legal jurisdiction over solid waste management within its corporate
53 limits which shall be, in the case of any municipality which adopts a
54 charter provision or ordinance pursuant to section 7-273aa, the
55 municipal resource recovery authority;

56 (13) "Regional authority" means the administrative body delegated
57 the responsibility of solid waste management for two or more
58 municipalities which have joined together by creating a district or
59 signing an interlocal agreement or signing a mutual contract for a
60 definitive period of time;

61 (14) "Region" means two or more municipalities which have joined
62 together by creating a district or signing an interlocal agreement or
63 signing a mutual contract for a definite period of time concerning solid
64 waste management within such municipalities;

65 (15) "Solid waste management plan" means an administrative and
66 financial plan for an area which considers solid waste storage,
67 collection, transportation, volume reduction, recycling, reclamation
68 and disposal practices for a twenty-year period, or extensions thereof;

69 (16) "Municipal collection" means solid waste collection from all
70 residents thereof by a municipal authority;

71 (17) "Contract collection" means collection by a private collector
72 under a formal agreement with a municipal authority in which the
73 rights and duties of the respective parties are set forth;

74 (18) "Solid waste planning region" means those municipalities
75 within the defined boundaries of regional planning agencies or as
76 prescribed in the state solid waste management plan;

77 (19) "Biomedical waste" means infectious waste, pathological waste
78 and chemotherapy waste generated during the administration of
79 medical care or the performance of medical research involving humans
80 or animals and which, because of its quantity, character or
81 composition, has been determined by the commissioner to require
82 special handling but excluding any solid waste which has been
83 classified by the department as a hazardous waste pursuant to section
84 22a-115 or is a radioactive material regulated pursuant to section 22a-
85 148;

86 (20) "Generator of biomedical waste" means any person who owns
87 or operates a facility that produces biomedical waste in any quantity,
88 including, but not limited to the following: General hospitals, skilled
89 nursing facilities or convalescent hospitals, intermediate care facilities,
90 chronic dialysis clinics, free clinics, health maintenance organizations,
91 surgical clinics, acute psychiatric hospitals, laboratories, medical
92 buildings, physicians' offices, veterinarians, dental offices and funeral
93 homes. Where more than one generator is located in the same building,
94 each individual business entity shall be considered a separate
95 generator;

96 (21) "Biomedical waste treatment facility" means a solid waste
97 facility capable of storing, treating or disposing of any amount of
98 biomedical waste, excluding any facility where the only biomedical
99 waste treated, stored or disposed of is biomedical waste generated at
100 the site and any licensed acute care facility or licensed regional
101 household hazardous waste collection facility accepting untreated
102 solid waste generated during the administration of medical care in a
103 single or multiple family household by a resident of such household;

104 (22) "Throughput" means the amount of municipal solid waste
105 processed by a resources recovery facility determined by dividing the

106 average annual tonnage of municipal solid waste by three hundred
107 sixty-five days;

108 (23) "Municipal solid waste" means solid waste from residential,
109 commercial and industrial sources, excluding solid waste consisting of
110 significant quantities of hazardous waste as defined in section 22a-115,
111 land-clearing debris, demolition debris, biomedical waste, sewage
112 sludge and scrap metal;

113 (24) "Wood-burning facility" means a facility, as defined in section
114 16-50i, whose principal function is energy recovery from wood for
115 commercial purposes. "Wood-burning facility" does not mean a
116 biomass gasification plant that utilizes land clearing debris, tree
117 stumps or other biomass that regenerates, or the use of which will not
118 result in a depletion of, resources;

119 (25) "Person" has the same meaning as in subsection (c) of section
120 22a-2;

121 (26) "Closure plan" means a comprehensive written plan, including
122 maps, prepared by a professional engineer licensed by the state that
123 details the closure of a solid waste disposal area and that addresses
124 final cover design, stormwater controls, landfill gas controls, water
125 quality monitoring, leachate controls, postclosure maintenance and
126 monitoring, financial assurance for closure and postclosure activities,
127 postclosure use and any other information that the commissioner
128 determines is necessary to protect human health and the environment
129 from the effects of the solid waste disposal areas;

130 (27) "Composting facility" means land, appurtenances and
131 structures where materials from another process or location are
132 recovered using a process of accelerated biological decomposition of
133 organic material under controlled conditions to produce a marketable
134 product.

135 Sec. 2. Subsection (c) of section 22a-208e of the general statutes is

136 repealed and the following is substituted in lieu thereof (*Effective July*
137 *1, 2010*):

138 (c) The owner or operator of any recycling facility which receives for
139 processing or sale the following items generated from within the
140 boundaries of a Connecticut municipality: (1) Cardboard, (2) glass,
141 food and beverage containers, (3) leaves, (4) metal food and beverage
142 containers, (5) newspapers, (6) storage batteries, (7) waste oil, (8)
143 plastic food and beverage containers, and (9) office paper, shall report
144 for each such item the information specified in subsection (a) of this
145 section in the manner set forth in said subsection. If a municipality or
146 collector of recyclable items delivers any of the items listed in this
147 subsection to a recycling facility which is not located in this state, such
148 [municipality or] collector shall notify the commissioner of the name
149 and address of the owner or operator of such facility and shall [ensure,
150 by contract, that such facility has notice of and complies with the
151 reporting requirements of this section] report for each such item the
152 information required pursuant to subsection (a) of this section in the
153 manner prescribed by said subsection. As used in this section, "office
154 paper" means used or discarded white or manila paper including, but
155 not limited to, paper utilized for file folders, tab cards, writing, typing,
156 printing, computer printing and photocopying, which paper is suitable
157 for recycling, but does not mean office paper generated by households.

158 Sec. 3. Subsection (h) of section 22a-220 of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective July*
160 *1, 2010*):

161 (h) On or before [August 31, 1991] September 30, 2010, and annually
162 thereafter, each municipality, or its designated regional agent, shall
163 provide a report to the Commissioner of Environmental Protection
164 describing the measures taken during the preceding year to meet its
165 obligations under this section. The commissioner shall provide each
166 municipality with a form for such report by June 1, 1991. Such form
167 may be amended from time to time. Such report shall include, but not

168 be limited to, (1) a description of the efforts made by the municipality
169 to promote recycling, (2) a description of its efforts to ensure
170 compliance with separation requirements, (3) the [amount of each
171 recyclable item contained in its solid waste stream which has been
172 delivered to a recycling facility as reported to the municipality or its
173 designated regional agent by the owner or operator of a recycling
174 facility pursuant to section 22a-208e or by a scrap metal processor
175 pursuant to section 22a-208f, and (4) the amount of solid waste
176 generated within its boundaries which has been delivered to a
177 resources recovery facility or solid waste facility for disposal as
178 reported to the municipality or its designated regional agent by the
179 owner or operator of the resources recovery facility or solid waste
180 facility pursuant to section 22a-208e] name and address of the first
181 destination of each type of recyclable material generated within its
182 borders and collected for recycling and the name and address of the
183 first destination of municipal solid waste generated within its borders
184 and collected for disposal, as reported to the municipality or its
185 designated regional agent by the owner or operator of the receiving
186 facility pursuant to section 22a-208e, as amended by this act, or by the
187 collector delivering the material to such destination pursuant to
188 subsection (j) of section 22a-220a, as amended by this act, (4) the actual
189 or estimated amount of each type of recyclable material generated
190 within its borders and collected for recycling that has been delivered
191 directly to each first destination other than a solid waste facility that
192 has obtained a permit under section 22a-208a, and (5) the actual or
193 estimated amount of disposed municipal solid waste generated within
194 its borders that has been delivered directly to each destination other
195 than a solid waste facility that has obtained a permit under section 22a-
196 208a, as reported to the municipality or its designated regional agent
197 by the collector delivering the material to that facility pursuant to
198 subsection (j) of section 22a-220a, as amended by this act. If such
199 amounts of recyclable material or solid waste are unknown to the
200 municipality, the municipality shall provide the commissioner with
201 the contact information of the hauler who transported such recyclable

202 material or municipal solid waste. In the event that the first destination
 203 is a municipal transfer station then the first destination shall be
 204 considered the destination after such municipal transfer station. For
 205 the purposes of this subsection, "collector" has the same meaning as
 206 provided in subsection (g) of section 22a-220a.

207 Sec. 4. Subsection (d) of section 22a-220a of the general statutes is
 208 repealed and the following is substituted in lieu thereof (*Effective July*
 209 *1, 2010*):

210 (d) (1) Any collector hauling any type of solid waste generated by
 211 residential, business, commercial or other establishments, [in]
 212 including, but not limited to, recyclables generated within the borders
 213 of a municipality, shall register in such municipality and disclose the
 214 name of any other municipality in which such collector hauls such
 215 solid waste.

216 (2) On or before July 31, 2011, any such collector shall report to the
 217 municipality (A) the types of solid waste, including recyclables, as
 218 listed in subsection (c) of section 22a-208e, as amended by this act,
 219 generated within the borders of a municipality and collected by such
 220 collector, and (B) the name, location and contact information for the
 221 solid waste facilities or end-users where such solid waste was
 222 delivered by the collector during the previous fiscal year. Such reports
 223 shall be submitted to the municipality annually, on or before July
 224 thirty-first, and shall provide the information specified in this
 225 subdivision for the prior state fiscal year. Such reports shall be on a
 226 form prescribed by the Commissioner of Environmental Protection
 227 and shall include any other additional information the commissioner
 228 deems necessary.

229 Sec. 5. Section 22a-220a of the general statutes is amended by adding
 230 subsections (j) and (k) as follows (*Effective July 1, 2010*):

231 (NEW) (j) If a collector hauls solid waste generated in this state,
 232 including recyclables as listed in subsection (c) of section 22a-208e, as

233 amended by this act, from an entity located in the state other than a
 234 facility that has obtained a permit or authorization pursuant to this
 235 chapter and delivers such solid waste or recyclables to a destination
 236 that is an entity other than a facility that has obtained a permit or
 237 authorization pursuant to this chapter, then on or before July 31, 2011,
 238 and annually thereafter, such collector shall submit a report regarding
 239 such solid waste, including recyclables, to the Commissioner of
 240 Environmental Protection. Such report shall be on a form prescribed
 241 by the commissioner and shall provide such information regarding
 242 such solid waste as the commissioner deems necessary, including, but
 243 not limited to: (1) The types of solid waste, including recyclables,
 244 collected, (2) for municipal solid waste, the municipality of origin of
 245 such municipal solid waste including recyclables, (3) the amount by
 246 weight, volume or other method acceptable to the commissioner of
 247 such solid waste, including recyclables delivered to such destination,
 248 and (4) the name, address and contact information of the entity
 249 receiving such solid waste or recyclables.

250 (NEW) (k) If a collector hauls municipal solid waste generated in the
 251 state, including recyclables, and delivers such municipal solid waste,
 252 including recyclables, to a facility that has obtained a permit or
 253 authorization pursuant to this chapter, then upon delivery such
 254 collector shall identify to the receiving facility for each load of
 255 municipal solid waste or recyclables, as applicable: (1) The originating
 256 regional facility, (2) the originating municipality if such waste did not
 257 pass through a regional facility, or (3) the originating regional facility
 258 or state if such waste originated outside of the state. If such municipal
 259 solid waste load comes from more than one municipality, the collector
 260 shall estimate the amount of waste from each municipality.

261 Sec. 6. Subsection (a) of section 22a-241b of the general statutes is
 262 repealed and the following is substituted in lieu thereof (*Effective*
 263 *October 1, 2010*):

264 (a) On or before February 1, 1988, the Commissioner of

265 Environmental Protection shall adopt regulations in accordance with
 266 the provisions of chapter 54 designating items that are required to be
 267 recycled. The commissioner may designate other items as suitable for
 268 recycling and amend said regulations accordingly. On or before
 269 October 1, 2011, the commissioner shall amend such regulations to
 270 expand the list of designated recyclable items to include: (1)
 271 Containers of three gallons or less made of polyethylene terephthalate
 272 plastic and high-density polyethylene plastic, (2) boxboard, and (3)
 273 additional types of paper, including, but not limited to, magazines,
 274 residential high-grade white paper and colored ledger.

275 Sec. 7. Section 22a-260 of the general statutes is amended by adding
 276 subdivision (26) as follows (*Effective October 1, 2010*):

277 (NEW) (26) "Composting facility" means land, appurtenances and
 278 structures where materials from another process or location are
 279 recovered using a process of accelerated biological decomposition of
 280 organic material under controlled conditions to produce a marketable
 281 product.

282 Sec. 8. (NEW) (*Effective October 1, 2010*) Not later than six months
 283 after the establishment of service in the state by two or more permitted
 284 composting facilities, as defined in section 22a-207 of the general
 285 statutes, as amended by this act, that have a combined capacity to
 286 service the discarded food residual needs of commercial food
 287 wholesalers or distributors, industrial food manufacturers or
 288 processors, supermarkets, or resorts or conference centers that each
 289 generate an average volume of not less than one hundred four tons per
 290 year of discarded food residuals, each wholesaler or distributor,
 291 industrial food manufacturer or processor, supermarket, or resort or
 292 conference center that generates an average volume of not less than
 293 one hundred four tons per year of discarded food residuals shall: (1)
 294 Separate such materials from other solid waste, and (2) ensure that
 295 such discarded food residuals are recycled at a permitted composting
 296 facility that is not more than thirty miles from such wholesaler,

297 distributor, industrial food manufacturer or processor, supermarket, or
298 resort or conference center, as applicable. Any such wholesaler,
299 distributor, industrial food manufacturer or processor, supermarket, or
300 resort or conference center that establishes an on-site composting
301 facility shall be deemed in compliance with the provisions of this
302 section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2010</i>	22a-207
Sec. 2	<i>July 1, 2010</i>	22a-208e(c)
Sec. 3	<i>July 1, 2010</i>	22a-220(h)
Sec. 4	<i>July 1, 2010</i>	22a-220a(d)
Sec. 5	<i>July 1, 2010</i>	22a-220a
Sec. 6	<i>October 1, 2010</i>	22a-241b(a)
Sec. 7	<i>October 1, 2010</i>	22a-260
Sec. 8	<i>October 1, 2010</i>	New section

Statement of Purpose:

To expand certain solid waste management practices and reporting, including recycling and composting.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]